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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

ALEXANDER B. et al.,

Petitioners,

v.

THE SUPERIOR COURT OF THE STATE OF
CALIFORNIA FOR THE COUNTY OF LOS
ANGELES,

Respondent.

LOS ANGELES COUNTY DEPARTMENT OF
CHILDREN AND FAMILY SERVICES et al.,

Real Parties in Interest.

B224357

(Los Angeles County
Super. Ct. No. CK69473)

Writ petitions to review order setting hearing under Welfare and Institutions Code section 366.26. Sherri Sobel, Juvenile Court Referee. Petitions denied.

Law Offices of Katherine Anderson, Victoria Doherty and Lynda Attenborough for Petitioner Alexander B.

Children's Center of Los Angeles (CLC 1), Sophia Ali and Susan Burns for Petitioner Andrea R.

No appearance for Respondent.

Andrea Sheridan Ordin, County Counsel, James Owens, Assistant County Counsel, Aileen Wong, Deputy County Counsel, for Real Party in Interest Los Angeles County Department of Children and Family Services.

Children's Center of Los Angeles (CLC 2) and Martha Matthews for Real Party in Interest D.B.

Petitioners Alexander B. and Andrea R. seek extraordinary relief (Welf. & Inst. Code, § 366.26, subd. (l);¹ Cal. Rules of Court, rule 8.452) from the juvenile court's order setting a hearing pursuant to section 366.26 to consider termination of parental rights and implementation of a permanent plan for their three-year-old daughter D.B. The petitions are opposed by the Los Angeles County Department of Children and Family Services (Department) and also by D.B., who has joined in the Department's response. We deny the petitions on the merits.

FACTS AND PROCEDURAL BACKGROUND

On August 3, 2007, the Department received a referral alleging D.B., who was not yet one month old, was a victim of physical abuse by Andrea R. The referral stated that Andrea R. had Bipolar disorder and was not taking her medication, and alleged she had thrown D.B. across the bed in anger and then left the home with D.B. On August 4, 2007, a social worker went to the home where Alexander B. and Andrea R. lived with D.B., Andrea R.'s pregnant sister Kathy R., and three children of Kathy R., all of them fathered by Alexander B.² Andrea R. and D.B. were not home. Alexander B. told the social worker that Andrea R. had thrown D.B. onto the bed because she was frustrated with D.B., and stated that he was concerned for D.B.'s safety.

On August 6, 2007, Alexander B. telephoned the social worker and stated that he was at the superior court, filing for temporary custody of D.B. Alexander B. further stated that Andrea R. and her family were also at the courthouse, and he urged the social worker to hurry to the courthouse before Andrea R. left with D.B. The social worker arrived at the courthouse and located Andrea R., who was accompanied by her mother

¹ Statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² Kathy R.'s children are not parties in this proceeding. In its report for the detention hearing as to D.B., the Department indicated it was investigating a referral that alleged Kathy R.'s children were victims of neglect and emotional and physical abuse.

and father, D.B., and Marisa R., another sister of Andrea R. Andrea R. denied mistreating D.B. in any way, and told the social worker D.B. ended up on the bed after Alexander B. attempted to grab D.B. from Andrea R.'s arms and almost broke D.B.'s ribs. Andrea R. further stated that she left the home after the incident because Alexander B. was abusive toward her and threatened her.

Marisa R. told the social worker that Kathy R., who was 28 years old, had been living with Alexander B. for 10 years and had three children by him. Marisa R. added that Kathy R. was developmentally delayed and "incompetent." Marisa R. explained that Alexander B. had moved Andrea R. into his home approximately a year ago, and she soon became pregnant with D.B. Marisa R. stated that she believed Alexander B., who was 57 years old, was "basically a pervert" and was taking advantage of Kathy R. Marisa R. added that Kathy R. had begged her to get Andrea R. out of the house so she could get her life with Alexander B. "back to normal." Marisa R. further stated that the relationships in Alexander B.'s home were causing tension and jealousies; Kathy R. did not want Andrea R. and Alexander B. to be involved in a relationship, but put up with it because she felt that she had no choice.

Andrea R. generally agreed with Marisa R.'s statements, explaining that both she and Kathy R. had a sexual relationship with Alexander B. Andrea R. stated that when she moved into the home she did not want to have a sexual relationship with Alexander B., but he made Kathy R. hold her down while he raped her.

Alexander B. told the social worker that Andrea R. threw D.B. on the bed in anger, after he suggested that Kathy R. should care for D.B. because Andrea R. was tired. Alexander B. stated that Andrea R. had a very bad temper and that she and Kathy R. engaged in physical fights. Alexander B. confirmed that he was involved in a sexual relationship with both Andrea R. and Kathy R. He offered the social worker a video of himself having sex with both women, explaining that he made the video for protection in case Andrea R. accused him of raping her.

Kathy R. told the social worker that Andrea R., who often became very angry, threw the baby on the bed on August 3, 2007, telling Kathy R., "since you want her, here

take her.” Kathy R. stated that she was in a consensual relationship with Alexander B., and that Alexander B. was the father of her three children and also of D.B. Kathy R. added that she was also involved in a sexual relationship with Andrea R., but she did not want to be. Kathy R. denied that Alexander B. ever forced sex on Andrea R., explaining that Andrea R. initiated the sex. Kathy R. described Alexander B. as a good man and a good father.

D.B.’s maternal grandfather, Jose R., told the social worker that he was unhappy with Alexander B.’s relationship with his daughters. Jose R. stated that Kathy R. was “slow” and Alexander B. abused her. He added that Andrea R. had run away from home a year earlier, and at first he did not know where she was. Eventually Jose R. found out she was living with Alexander B. and Kathy R. Jose R. stated that Andrea R. had come to his home with D.B. on August 3, 2007, and she gave proper care to D.B. while she was in the home.

The maternal grandmother, Edith R., told the social worker that Andrea R. telephoned her on August 3, 2007 for help in leaving Alexander B. Edith R. could hear screaming while on the telephone, and when she arrived at Alexander B.’s home he and Andrea R. were arguing. As Andrea R. attempted to leave with D.B., Alexander B. pushed Andrea R. and Kathy R. hit Andrea R.

On August 10, 2007, the Department took D.B. into protective custody and filed a petition under section 300 to declare D.B. a court dependent. The juvenile court detained D.B. and found Alexander B. to be her presumed father.

In its report for the jurisdiction and disposition hearing submitted September 11, 2007, the Department stated that the social worker had conducted further interviews with Alexander B. and Andrea R. about the August 3, 2007 incident. Alexander B. told the social worker that Andrea R. “exploded,” and threw D.B. on the bed, when Alexander B. commented that Kathy R. should be D.B.’s “second mom.” Andrea R. then telephoned Edith R. to accuse Alexander B. and Kathy R. of beating her, and minutes later Marisa R. arrived and Andrea R. left with her, taking along D.B. Alexander B. blamed Jose R. for all of the allegations being made against him, stating that Jose R. had raped Andrea R.

and an eight-year-old granddaughter and was currently in jail facing charges. Andrea R. denied the allegations against her and also fully supported Alexander B., stating that he is a good father and had never abused her or D.B. Andrea R. specifically denied that Alexander B. had ever raped her, and claimed Marisa R. made up the story that he had screamed and threatened Andrea R. Andrea R. also stated that Jose R. had raped her, first when she was nine, another time when she was 17, and later after D.B. was born. Andrea R. added that Jose R. had raped Kathy R. when she was five, and her brother when he was three.

The foster care agency social worker, Lillian Velez, told the Department's social worker that, during monitored visits with D.B., Alexander B. totally controlled Andrea R. and Andrea R. was very nervous and compliant. Velez opined that Alexander B. was taking advantage of Andrea R. and Kathy R. due to their mental limitations and emotional problems, and observed that Andrea R. displayed signs of mental and emotional abuse. Andrea R. had been diagnosed with Bipolar disorder and depression, and Alexander B. had indicated that he gave her spearmint and her symptoms would disappear. Velez also believed it was possible that Alexander B. was administering inappropriate drugs to both women.

The social worker had also conducted another interview with Marisa R., who maintained that Alexander B. had drugged and brainwashed her sisters. Marisa R. insisted that Alexander B. manipulated and abused the two women, made them have sex with each other, and held the entire family group in fear. Marisa R. believed that Andrea R. and Kathy R. had changed their initial stories due to their fear of Alexander B.

On September 11, 2007, the juvenile court ordered Alexander B. and Andrea R. to submit to a psychological evaluation pursuant to Evidence Code section 730, ordered that D.B. remain detained in shelter care, and continued the adjudication hearing to October 15, 2007.

In a supplemental report submitted on October 9, 2007, the Department stated that Andrea R. had received mental health services for various mental and emotional conditions during 2005 and 2006, she had been hospitalized several times after making

suicide attempts, and more frequently she had become easily angered and abusive toward others around her. The Department expressed concern that Andrea R. was not compliant with her medication and that her condition would continue to worsen.

On October 15, 2007, Alexander B. and Andrea R. submitted on an amended section 300 petition on the basis of the Department's reports. (*In re Malinda S.* (1990) 51 Cal.3d 368.) As sustained by the court, the petition alleged Alexander B. and Andrea R. engaged in a physical altercation in D.B.'s presence, and the domestic violence placed D.B. at risk of harm. The court ordered a mental health psychiatric examination of Andrea R. and continued the case to November 5, 2007 for the disposition hearing.

On November 2, 2007, Alfredo Crespo, Ph.D., submitted his Evidence Code section 730 report, which was based on clinical interviews of Alexander B. and Andrea R., observations, and administration of several psychological tests. Dr. Crespo indicated Andrea R., who was a former juvenile court dependent, was experiencing psychiatric difficulties associated with paranoid predisposition that may have stemmed from being an incest victim, and she required intensive individual therapy and an evaluation for psychotropic medication. Andrea R. appeared to be very dependent on Alexander B., who suffered from narcissistic tendencies if not Narcissistic Personality Disorder. Dr. Crespo opined that the questionable family arrangement, and the conflicts within the family, would pose a risk of emotional abuse to D.B. On November 5, 2007, the court continued the disposition hearing to December 12, 2007 for a contest.

In its report for the contested disposition hearing, the Department indicated Alexander B. was attending parenting classes and anger management classes and showed adequate parenting skills during his visits with D.B. Andrea R.'s parenting skills were limited, and she was unable to address D.B.'s emotional needs. The Department recommended that D.B. remain suitably placed in foster care until Alexander B. and Andrea R. showed significant progress in anger management, parenting education, and individual counseling.

At the contested disposition hearing, conducted on January 24, 2008, the juvenile court placed D.B. in Alexander B.'s home under the Department's supervision and

permitted Andrea R. to reside in the home. The court ordered the Department to provide family maintenance services including individual counseling, parenting education and anger management, ordered Andrea R. to participate in individual counseling and in parenting and anger management programs, and ordered Alexander B., Andrea R. and Kathy R. into family therapy. The court continued the matter to April 9, 2008, for a review hearing pursuant to section 364.

For the section 364 hearing the Department reported that Alexander B. was providing the principal care for D.B. Andrea R. remained in the home and had contact with D.B. under Alexander B.'s supervision. Pursuant to a referral by the Department, the family was receiving in-home counseling services and family therapy, and during several visits to the home the social worker found D.B. to be healthy and appropriately supervised. Andrea R. had become a client of the Regional Center due to her cognitive problems. On April 9, 2008, the review hearing was continued for a contest.

The section 364 hearing was conducted on June 9, 2008, the Department having submitted further reports recommending that D.B. be placed in the home of Alexander B. and Andrea R. The Department indicated Andrea R. had completed an anger management program and showed improvement in providing care for D.B., Alexander B. had completed a parenting program, and both parents were in compliance with their case plans and sought joint responsibility for D.B. At the hearing, the court liberalized Andrea R.'s visits with D.B. and ordered that, if the visits were satisfactory, a home-of-parents order would become effective on June 30, 2008. The court continued the matter to December 8, 2008 for a further review hearing under section 364.

On December 2, 2008, the Department filed a subsequent petition under section 342³ alleging that, on November 11, 2008, Alexander B. had engaged in a violent altercation with Kathy R. in D.B.'s presence, and Kathy R. had required emergency

³ Section 342 provides: "In any case in which a minor has been found to be a person described by a Section 300 and the [Department] alleges new facts or circumstances, other than those under which the original petition was sustained, . . . the [Department] shall file a subsequent petition. . . ."

medical care for throat and neck injuries. The petition further alleged Alexander B. physically abused D.B. and two of D.B.'s half-siblings by striking them with a belt. In a report for the detention hearing on the subsequent petition the Department indicated Andrea R. told the social worker that she was terrified of Alexander B. because he had beaten her and Kathy R. on many occasions. Andrea R. and Kathy R. told the social worker that D.B. and her half-siblings witnessed the domestic violence incident of November 11, 2008, the children had witnessed many other similar incidents in the past, and the children had been beaten by Alexander B. with a belt on numerous occasions. The Department further reported that Andrea R. left the home with D.B. following the November 11, 2008 incident, went into hiding, and later received a restraining order against Alexander B. Kathy R. had moved into a domestic violence shelter and was seeking a restraining order. Two of D.B.'s half-siblings reported that Alexander B. often struck Kathy R. and all of the children with a belt.

At the detention hearing on the section 342 petition on December 2, 2008, the court detained D.B. from Alexander B. and released her to Andrea R. Three days later the Department filed a supplemental petition pursuant to section 387, repeating the allegations made in the section 342 petition and further alleging Andrea R. (1) failed to protect D.B. from Alexander B.'s violent conduct, and (2) gave false and misleading information to the court at the December 2, 2008 detention hearing on the section 342 petition, by testifying that she had never seen Alexander B. hit D.B. or any of the other children with a belt, and that Alexander B. acted in self-defense in the November 11, 2008 incident involving Kathy R.⁴ On December 5, 2008, the juvenile court ordered D.B. detained from Andrea R. and placed in shelter care, and continued the case to December 8, 2008 for a contested detention hearing (§ 319).

In three separate reports submitted for the December 8, 2008 hearing, the Department indicated Alexander B. denied attacking Kathy R. or having ever engaged in

⁴ Section 387 permits the Department to file a supplemental petition to change or modify a previous order by removing a child from a parent's custody, when the previous disposition has not been effective to protect the child.

domestic violence. Alexander B. further denied hitting D.B. or the other children with a belt or at all, and accused Andrea R. of hitting D.B. Andrea R. had recanted all of her accusations against Alexander B.

On December 8, 2008, the court continued the case for adjudication of the section 342 and section 387 petitions and for a section 364 review hearing on the original petition.

The adjudication hearings were conducted on January 23, 2009. The juvenile court sustained the section 342 and section 387 petitions, removed D.B. from the parents' custody, and ordered reunification services for Alexander B. and Andrea R. Alexander B. was ordered to participate in individual counseling, domestic violence counseling and a parenting program, and Andrea R. was ordered to participate in individual counseling. The case was continued to April 23, 2009 (later advanced to April 13, 2009) for a supplemental report from the Department, and to July 24, 2009 for the six-month review hearing (§ 366.21, subd. (e)).

In a report submitted April 13, 2009, the Department indicated Alexander B. was visiting D.B. regularly and had enrolled in a 52-week domestic violence program, but had not enrolled in a parenting program or in counseling, stating he could not afford to do so. On April 2, 2009, the Department had given Alexander B. referrals for no-cost programs. Andrea R. had been given referrals for low- or no-cost counseling programs but had not enrolled, stating she could not afford it. The Department recommended the parents be given additional time to complete their programs. On April 13, 2009, the court continued the six-month review hearing to July 27, 2009.

In its report for the July 27, 2009 six-month review hearing, the Department indicated Alexander B. had completed 27 of the 52 sessions of his domestic violence program and had attended eight parenting classes, but had not started individual counseling despite the social worker's provision of low-cost referrals. Andrea R. had completed six parenting classes and had been given low-cost referrals for counseling but had not enrolled. Alexander B. and Andrea R. had been visiting D.B. regularly without major problems, although one monitor observed Andrea R. spanking D.B. and another

monitor described Andrea R. as “bossy” and “demanding” toward Alexander B. during visits. The Department recommended reunification services be continued to the 12-month hearing (§ 366.21, subd. (f)) for both parents. On July 27, 2009, the juvenile court continued the six-month review hearing to September 1, 2009 for a contest requested by both parents.

On August 26, 2009, Alexander B. filed a petition under section 388 seeking D.B.’s return to his custody,⁵ alleging he had been “repeatedly falsely accused” and could provide proper care for D.B. On August 28, 2009, the court set the section 388 petition for a hearing on September 1, 2009.

In a report submitted September 1, 2009 for the contested six-month review hearing, the Department stated that Alexander B. had attended 31 sessions of his domestic violence program and seven sessions of individual counseling. Andrea R. had attended six individual counseling sessions. On September 1, 2009, Alexander B. withdrew his section 388 petition and the court continued the contested six-month review hearing to September 30, 2009. The Department indicated both parents continued to deny that D.B. was ever physically abused. In a subsequent report the Department stated its concern with the parents’ denial of any problems, and noted that they had not demonstrated a significant change in their dysfunctional behavior and did not demonstrate appropriate parenting skills during their visits with D.B.

At the contested six-month review hearing on September 30, 2009, the juvenile court found that both parents were in partial compliance with their case plans and the Department had provided reasonable reunification services. The court set the matter for the 12-month review hearing on March 30, 2010. The hearing was later continued to May 5, 2010 for a contest.

⁵ Section 388 permits any person having an interest in a dependent child to request the juvenile court to change, modify, or set aside a previous order upon grounds of change of circumstances or new evidence and a showing that the proposed change of order will promote the best interests of the child.

In its report for the 12-month review hearing, the Department indicated that D.B. had been placed in the home of an adult half-sibling on October 1, 2009, and was thriving in her placement. Alexander B. had completed his domestic violence program and was attending individual counseling. Andrea R. was attending counseling sessions. Alexander B. and Andrea R. were living together. Andrea R. was again pregnant. The visitation monitors had reported that during their visits with D.B. the parents' relationship showed signs of strain: They disagreed as to what to feed D.B. and on parenting techniques, glared at each other and, although she had difficulty identifying D.B.'s wants and needs, Andrea R. repeatedly ordered Alexander B. to perform parenting tasks. The Department suggested that, despite their participation in the court-ordered programs, Alexander B. and Andrea R. had not developed the skills, judgment and behavior required to eliminate the problems that led to D.B.'s dependency status. The Department concluded that D.B. could not be safely returned to Alexander B. and Andrea R., reported that the adult half-sibling was willing to adopt D.B., and recommended termination of reunification and implementation of a permanent plan of adoption.

The contested 12-month review hearing was conducted over three sessions and concluded on May 12, 2010. In her testimony, the Department's supervising social worker, Terry Straub, recognized that Alexander B. and Andrea R. were in compliance with their case plans, but believed D.B. would be at risk if she were returned to their care because neither parent had made the changes in behavior required to eliminate the risk of harm that led to D.B.'s dependency status. Straub noted that the parents had different parenting styles and, although there had been no recent physical conflicts, there was tension and conflict between them during their monitored visits with D.B., and there was a likelihood the conflict could intensify in the absence of a monitor. Straub also expressed concern for D.B.'s safety due to Alexander B.'s physical abuse of Kathy R.'s children, Andrea R.'s inability to identify D.B.'s needs during visits, and Andrea R.'s mental health issues.

Andrea R. testified that the visits she and Alexander B. had with D.B. were appropriate and, although she and Alexander B. may have learned different parenting

styles in their parenting classes, they would be able to resolve this issue. Andrea R. testified that she did not know whether D.B. was enrolled in preschool, when D.B.'s naptime was, or whether D.B. was tired during visits.

Andrea R.'s Regional Center caseworker, Denise Gammage, testified that she had been providing in-home independent living services for Andrea R. since July of 2009, and had observed Andrea R.'s behavior three or four times during her visits with D.B. Gammage testified Andrea R. was very excited to see D.B., was loving toward her, and met D.B.'s emotional needs. Gammage added that she provided parenting instruction to Andrea R. and Andrea R. was receptive to Gammage's suggestions. Gammage testified that she did not witness any conflict between Alexander B. and Andrea R. during the visits.

At the conclusion of testimony counsel for the Department requested the court terminate reunification services, noting that only one month remained before the case reached the 18-month statutory limit for reunification and it was clear that D.B. could not safely be returned to her parents' custody. Counsel pointed out that Andrea R. did not even know D.B.'s naptime or whether she was in preschool.

Counsel for D.B. joined in the Department's request to terminate reunification services. Counsel noted that, although D.B. was removed from the custody of both parents 17 months earlier, the dependency proceedings had commenced when D.B. was one month old and had been pending for almost three years. Counsel further noted that Alexander B. had four children with Kathy R., all of them were in the dependency system and had serious emotional problems, and both Andrea R. and Kathy R. suffered from cognitive deficits and were Regional Center clients as a result. Counsel further urged Alexander B.'s previous abuse of D.B.'s half-siblings would place D.B. at risk, and observed that D.B. was progressing well in her placement with a relative who wished to adopt her.

Andrea R.'s counsel argued D.B. should be returned to the parents' custody, because they had done everything the court had asked them to do and there was no evidence that return would place D.B. at risk of harm. As an alternative, counsel

suggested the court should liberalize Andrea R.'s visitation during the month remaining before the 18-month statutory limit for reunification, to enable Andrea R. to demonstrate that she could provide proper care for D.B.

Counsel for Alexander B. also argued for return, or for extension of reunification to the 18-month date, maintaining that the only risk articulated by the Department was the evidence of the parents' different parenting styles. Counsel suggested that the true reason the Department and D.B.'s counsel wanted to keep D.B. from Andrea R. and him was that "they despise [Alexander B.'s] lifestyle [and] that doesn't equate to a risk today."

After hearing argument, the court announced its decision to terminate reunification services. The court summarized the history of the case, pointing out that it did not initially remove D.B. from her parents' custody as a result of the initial incident in which Andrea R. threw D.B. onto a bed as an infant, but only after receiving credible evidence of severe domestic abuse by Alexander B. against Kathy R. and her children (who also had to be removed from the home), of Alexander B.'s dysfunctional relationships with two vulnerable women, and of serious issues of power and control within the family. The court recognized that Alexander B. and Andrea R. had completed their court-ordered programs, but questioned whether "they have learned anything." The court discredited Gammage's testimony favorable to Andrea R., pointing out that Gammage was unfamiliar with the history of the case and the overall family situation. The court concluded that D.B. would be placed at risk if she were to be returned to the custody of Alexander B. and Andrea R. "because of the judgment and behavior of the family all the way through." The court further observed that even after completion by Alexander B. and Andrea R. of all of their programs, "We still have the same information over and over." The court noted that more than 31 months had elapsed from the date the section 300 petition was filed and just one month remained until the case reached the 18-month statutory limit for reunification, and found that there was not a substantial probability D.B. could be returned to her parents by the 18-month date. The court proceeded to set the matter for a hearing pursuant to section 366.26.

CONTENTIONS

Alexander B. and Andrea R. contend there was not substantial evidence to support the juvenile court's finding that D.B.'s return to their care would create a substantial risk of detriment to D.B.'s well-being. Andrea R. further contends services should have been extended to the 18-month date, because there was a substantial probability D.B. could be returned to her care within the period remaining to the 18-month date. Andrea R. also contends reasonable services were not provided to her by the Department.

DISCUSSION

1. *Substantial Evidence Supports the Juvenile Court's Finding D.B.'s Return to Alexander B. and Andrea R. Would Create a Substantial Risk of Detriment to D.B.'s Well-being.*

When we review a sufficiency of the evidence challenge, we inquire only whether there is any evidence, contradicted or uncontradicted, that supports the trial court's determination. We resolve all conflicts in support of the determination, and indulge in all legitimate inferences to uphold the court's order. Additionally, we do not substitute our deductions for those of the trier of fact (*In re Katrina C.* (1988) 201 Cal.App.3d 540, 547; *In re John V.* (1992) 5 Cal.App.4th 1201, 1212), and we have “no power to judge . . . the effect or value of the evidence, to weigh the evidence, to consider the credibility of the witnesses, or to resolve conflicts in the evidence or the reasonable inferences [to be] drawn therefrom.”” (*In re Stephen W.* (1990) 221 Cal.App.3d 629, 642.) Nor is a parent's compliance with his or her case plan the sole factor to be taken into account in determining whether there is a risk of detriment. (See *In re Dustin R.* (1997) 54 Cal.App.4th 1131, 1139-1140; *In re Jasmon O.* (1994) 8 Cal.4th 398, 418-419.) The mere completion of the requirements of the reunification plan—such as participating in counseling and treatment programs and visiting the child—is just one consideration under the statute; and the court must also consider to what extent the parent has ameliorated the

conditions that required court jurisdiction. (*In re Dustin R.*, supra, 54 Cal.App.4th at pp. 1139-1142.)

Substantial evidence supports the juvenile court's finding that, as of the 12-month review hearing, the return of D.B. to Alexander B. and Andrea R. would create a substantial risk to D.B.'s well-being. The record, as we have set forth, shows that, as of the date of the hearing and on the eve of the 18-month statutory limit for reunification, Alexander B. and Andrea R. had not progressed beyond monitored visits with D.B. Even more significantly, the record before the court—including the family history of domestic violence, Alexander B.'s abuse of Kathy R. and her children, and the parents' inconsistent versions of various incidents of violence and sexual misconduct—belies any claim that Alexander B. and Andrea R. would be able to provide a safe and stable home for D.B. as of the date of the 12-month review hearing.

2. The Juvenile Court Did Not Err in Declining to Extend Reunification Services for Andrea R.

At the 12-month review hearing, Andrea R. urged reunification services for her should be extended to the 18-month review hearing.⁶ The juvenile court declined to extend services, finding that Andrea R. had not demonstrated entitlement to a one month-extension of reunification to the 18-month date. In fact, because D.B. was initially removed from Andrea R.'s custody in August 2007, by the time of the 12-month review

⁶ The juvenile court may not extend reunification services beyond the 12-month date unless it finds, among other things, that the parent “has made significant progress in resolving problems that led to the child’s removal from the home,” and “has demonstrated the capacity and ability . . . to complete the objectives of his or her treatment plan and to provide for the child’s safety, protection, [and] physical and emotional well-being. . . .” (§ 366.21, subd. (g)(1)(B) & (C).)

hearing Andrea R. had received 33 months of reunification services and the case had progressed well beyond the 18-month statutory limit.⁷

The cases in which appellate courts have ruled reunification services may continue beyond the 18-month statutory period have involved truly exceptional circumstances, involving some external factor that thwarted the parent's efforts at reunification. (See, e.g., *In re Dino E.* (1992) 6 Cal.App.4th 1768, 1777-1778 [no reunification plan was ever developed by the Department for the father]; *In re Elizabeth R.* (1995) 35 Cal.App.4th 1774 [mother was hospitalized during most of the reunification period, and after her release the Department attempted to restrict visitation]; *In re Daniel G.* (1994) 25 Cal.App.4th 1205, 1209, 1212-1214 [the Department's reunification services for the father were a "disgrace"].) Andrea R. made no claim that this case is the sort of extreme case of dereliction by the Department warranting extension of reunification beyond the 18-month statutory limit, and the juvenile court properly declined to order extension of reunification services.

3. *Substantial Evidence Supports the Juvenile Court's Finding the Department Provided Reasonable Reunification Services to Andrea R.*

We review the juvenile's court's finding that reasonable reunification services were offered under the substantial evidence standard. (*In re Shelley J.* (1998) 68 Cal.App.4th 322, 329.) We recognize that in most cases more services might have been provided, and the services that were provided can often be imperfect. The standard, however, is whether the services provided were reasonable under the circumstances. (*In re Misako R.* (1991) 2 Cal.App.4th 538, 545-547; *In re Christina L.* (1992) 3 Cal.App.4th 404, 416-417.) The record, as summarized above, contains substantial evidence to support the juvenile court's finding the services offered to Andrea R. by the

⁷ Section 361.5, subdivision (a)(3), second paragraph provides in part, "Physical custody of the child by the parents or guardians during the applicable time period under subparagraph (A), (B), or (C) of paragraph (1) shall not serve to interrupt the running of the period."

Department were reasonable under the circumstances of her case. Andrea R. maintains that she fully complied with the court's dispositional order on the section 342 and section 387 petitions requiring her to participate in counseling, and notes that she had taken parenting education courses prior to the filing of those petitions. Andrea R. submits that, if the Department had any concerns about her ability to parent D.B., it was the Department's obligation to return to court and request a revision of the reunification plan to include additional parenting classes.

We reject Andrea R.'s suggestion that the Department did not meet its obligations. The record shows that the social worker monitored Andrea R.'s compliance with her court-ordered programs, provided her with low-cost referrals for services, and properly supervised visitation. All of this took place after Andrea R. had completed a parenting program during the pendency of the section 300 petition, prior to the filing of the section 342 and section 387 petitions. Andrea R. was thus offered ample time and various services to reunify, but failed at reunification because she did not make progress to resolve the problems relating to family dysfunction. Additional parenting classes would have had little if any bearing on resolving those problems.

DISPOSITION

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petitions are denied on the merits.

JACKSON, J.

We concur:

WOODS, Acting P. J.

ZELON, J.